SINGLE BENCH

(4)

CF/101

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. (C) 4239 /2006

WRIT PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA

PETITIONERS / DEFFENDENT

1. Harvinder Singh Rai, aged about 62 years, son of Shri Sohan Singh (Retired Major) Prop. Raigarh Sainik Transport Gram – Punjipathra, Post Samaruma, Tah. Gharghora, District Raigarh (Chhattisgarh)

2. Sajji P.V. Accountant Cum Manager, Raigarh Sainik Transport, Gram Panjipathra, Post Samaruma, Tah. Gharghora, District Raigarh (C.G.)

P.R. No. 430856 Sunil Sahu 7/8/06

VERSUS

RESPONDENT / PLAINTIFF.

Anil Kumar Garg, aged about 35 years, son of Shri Govind Ram Agrawal, Propr. Shri Shyam Moters, Dealer – Tata And Leland Spare Parts, Dheemrapur, Chowk, Raigarh, Tahsil and District Raigarh (C.G.)

OATH COMMISSIONER S.R. Kaushik BILASPUR TAHSIL 7/8/06

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 4239 सन् 2006

..... विरुद्ध .....

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18.8.2006

Shri Awadh Tripathi and Smt. Indira Tripathi, counsel for the petitioners.

Heard on admission.

Order passed as follows :

ORAL ORDER
(18.8.2006)

(1) This petition has been filed under Article 227 of the Constitution of India, challenging the legality of order dated 20.7.2006, passed in Civil Suit No. 9-B/2006 by the District Judge, Raigarh (CG). It appears that by the impugned order, the learned District Judge, after striking out the issues earlier framed in this case, framed new issues and thereafter directed the parties to adduce additional evidence on the newly framed issues, if desired by them.

(2) Learned counsel for the petitioners submit that the earlier issues and the subsequent issues are more or less similar and this exercise undertaken by the District Judge appears to be futile. He also submits that the District Judge erred in law in recasting the issues at the stage of passing of the Judgment.

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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मामला क्रमांक W.P.4239 **सन्** 2006

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

(3) I have gone through the earlier issues and the subsequent issued framed by the District Judge.

(4) In the opinion of this Court, the subsequent issues are more specific and if the Court has exercised its jurisdiction under Order 14, Rule 5 of the Code of Civil Procedure and after framing the new issues, it has given opportunity to both the parties to adduce additional evidence, I do not find any illegality in such order passed by the District Judge. The jurisdiction exercised by the District Judge is supported by the provisions of Order 14, Rule 5 of C.P.C., which provides that the Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the matters in controversy between the parties shall be so made or framed. It also provides that the Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

(5) In the opinion of this Court, there appears to be no merit in the petition filed under Article 227 of the Constitution of India. The petition is dismissed in limine.

Sd/-
Sunil Kumar Sinha
Judge